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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 25, 1997

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street
Washington, D.C. 20054

Re: *Ex parte* filing in CC Docket No. 94-102, RM-8143, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems

Dear Chairman Hundt:

More than eighteen months ago, the wireless industry and the Public Safety community jointly proposed to the Commission a Consensus Agreement that provided a plan for implementing wireless Enhanced 9-1-1 service in two phases. Harnessing the momentum provided by the Consensus Agreement, the Commission subsequently adopted regulations for wireless E 9-1-1 service. The first of the wireless E 9-1-1 rules adopted by the Commission will take effect on October 1, 1997. Given the complexity of the issues involved, and the technical implications of some additional requirements imposed by the Commission that expanded the scope of the original Consensus Agreement, certain practical impediments to implementation of the Commission's rules have arisen. These issues must be addressed immediately in light of the October 1, 1997 implementation.

In response to the Commission's Order, and the joint resolve of the wireless industry and the Public Safety community to bring the benefits of E 9-1-1 to wireless users, the parties that developed the Consensus Agreement, the Personal Communications Industry Association ("PCIA"), and the Wireless E911 Coalition have joined together to discuss the outstanding issues that present unnecessary obstacles to providing wireless E 9-1-1 service. This memorandum addresses several issues which all groups have discussed and, in many instances, on which they have found common ground. First, we propose certain modifications to the terms used in the original 9-1-1 Report and Order. Second, we emphasize that, although access to TTY/TDD technology is currently available over

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analog systems, the industry continues to work with consumer groups and the Public Safety community on a digital solution and thus requires an eighteen month extension of the compliance date for implementation of 911 TTY services over digital wireless systems. Finally, we urge the Commission to refrain from addressing certain issues until the industry has had the opportunity to fully consider such issues with all of the relevant parties. We hope that the Commission will take the following proposals into consideration when making its final determinations on the pending Petitions for Reconsideration in this proceeding.

Definition of Terms

The E 9-1-1 Report and Order uses certain terminology that mischaracterizes existing technology and therefore represents the regulatory equivalent of requiring the wireless industry to force a square peg into a round hole in trying to comply with the new E 9-1-1 rules. Most significantly, when referring to the types of calls that must be processed and the associated information that must be passed, the Commission characterizes calls in terms of whether a "code identification" is transmitted. "Code identification" currently is defined by the Commission in terms of the Mobile Identification Number ("MIN"). In some circumstances (e.g., with some technologies such as GSM), however, and in most circumstances once number portability is implemented, a MIN will not serve as a unique identifier, and this will thwart carriers' ability to provide those aspects of E 9-1-1 service (e.g., call-back) which require a unique identifier. Hence, whether a MIN "code identification" is transmitted will be meaningless in determining what type of information can be passed to the PSAP. Additionally, for some technologies, there is no number that equates to the Commission's definition of "code identifier."

The Commission should adopt terminology which is representative of the broad range of CMRS technologies for incorporation into the Commission's rules. Hence, the Commission should change its rules to distinguish between "all wireless 9-1-1 calls" and "successfully validated calls," thereby eliminating any reference to the term "code identification."

The term "successfully validated calls" is defined as 9-1-1 calls that pass a wireless switch's service validation process. Assuming a compatible air interface, this typically means that the serving carrier can recognize the call as being from an active customer of either its own system or from another system which the serving carrier can validate. In practice, this usually will mean most calls from home carrier subscribers, and most roamer calls from markets in which the home carrier has a valid roaming agreement. Exceptions where the call is from a service initialized customer, yet may not be successfully validated, include users to whom service has been denied and international callers. In these cases, the call may fail the validation.

The term "all 9-1-1 wireless calls" is defined as any call initiated by a wireless user dialing 9-1-1 on a phone using a compliant radiofrequency protocol. Again, assuming a compatible air interface, this would apply to a carrier which has elected to pass all 9-1-1

calls without respect to validation (e.g., calls from “out of the box” phones, disconnected service phones, GSM phones with no SIM, service denied users, and roamer calls that can not be validated).

Section 20.18(b) of the Commission’s rules allows a PSAP to determine whether it will receive “calls which transmit a Code Identification” or “calls which do not transmit a Code Identification.” As discussed above, the term “code identification” should be eliminated. The Commission’s rules are intended to provide access to emergency services to as many people as possible. A broader distinction between “all wireless 9-1-1 calls” and “successfully validated wireless 9-1-1 calls” more accurately captures this intent.

Furthermore, often individual PSAPs do not have the appropriate authority to make decisions such as whether non-validated calls should be received. Rather, regional or other local Public Safety authorities may have this authority. Hence, the “9-1-1 authority” should be used to describe the entity responsible for choosing the type of call that will be passed, where that term is defined as the governmental authority that is responsible for the planning, design and coordination of 9-1-1 services.

Choosing the Type of Calls to be Processed

The Commission also must recognize that particular Public Safety authorities may not be able to choose on an individual basis the types of calls they will receive (i.e., all calls or only successfully validated calls) until Phase II location technology is in place. Until that time, the Public Safety organizations agree that they must coordinate within each area served by a carrier’s switch their decisions whether to receive all calls or only successfully validated calls.¹ Furthermore, the parties agree that even when Phase II location technology is in place, calls may be identified with the inappropriate PSAP. The Public Safety community notes, however, that processes already are in place that will account for and remedy these occurrences.

With these considerations in mind, and in light of the new terms and definitions proposed above, Section 20.18(b) should be amended as follows:

(b) As of [one year after the effective date of the rule], licensees subject to this section must process all successfully validated 9-1-1 wireless calls and must process all 9-1-1 wireless calls where requested by the 9-1-1 authority. ~~which is capable of receiving and utilizing the data elements associated with 9-1-1 service.~~

Additionally, Section 20.18(b) should be amended further to accurately reflect that the 9-1-1 Authority’s choice of receiving all wireless 9-1-1 calls or only successfully validated 9-1-1 wireless calls may not be possible until the Phase II location technology is in place.

¹ See 9-1-1 Report and Order at ¶ 40.

The Commission also should clarify that the requirements set forth above (*i.e.*, that licensees must process all successfully validated 9-1-1 wireless calls as of the implementation date) should not preclude carriers who choose not to perform validation from passing all 9-1-1 wireless calls.

TTY Implementation

The Commission has set an October 1, 1997 deadline for implementation of 911 services over digital wireless systems for TTY/TDD users. Last week, CTIA convened a meeting of wireless industry representatives, technical experts and consumer organizations to obtain a consensus on how to support TTY/TDD technology over digital wireless systems. Among other things, the parties agreed that analog networks have the capability to support the transmission formats used by TTY today. However, interface issues exist for all technologies, including specific analog wireless products.

Although solutions are being developed to address the interface issues of both the analog and digital networks, these solutions will not be available by October 1, 1997. While the parties are committed to working together on such efforts, they also determined that more time is needed to implement the best solutions for TTY/TDD users. The parties agreed that an extension of time, not to exceed eighteen months, is needed to accomplish their goals.² We again urge the Commission to extend the impending deadline.

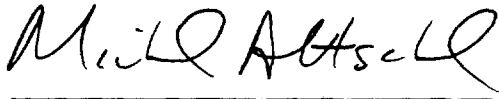
Additional Issues

Although the Public Safety community and the wireless industry have communicated extensively about several issues regarding E 9-1-1 implementation, the parties believe that numerous issues pending before the Commission on reconsideration require additional analysis. The Commission has directed the signatories to the Consensus Agreement, PCIA, and the Ad Hoc Alliance for Public Access to 911 to furnish joint reports detailing the status of discussions regarding certain issues (*i.e.*, development of technical and operational standards, grade of service, and common channel signaling) not later than January 30, 1998. The parties already have scheduled meetings to discuss these and other issues, some of which were raised in the Petitions for Reconsideration. In light of these scheduled discussions, the Commission should refrain from making any decisions other than those related to the proposals set forth herein. Decisions regarding carrier liability, certain call-back capabilities, strongest signal technology, the use of temporary call-back numbers, and the status of uninitialized phones should be deferred to allow the relevant parties the opportunity to develop consensus positions which they can communicate to the Commission. Only when all relevant parties have had the opportunity to study in depth many of these technical issues will the Commission have sufficient information to make a reasoned decision.

² The parties in agreement included members from the telecommunications industry, the Public Safety community, and the organizations representing persons with hearing disabilities. See CTIA *ex parte* communication, filed Sept. 23, 1997.

If you have any further questions, please feel free to contact any of the parties listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Altschul". The signature is fluid and cursive, with the first name "Michael" and last name "Altschul" clearly distinguishable.

Michael F. Altschul
Cellular Telecommunications Industry Association

Mary E. Madigan
Personal Communications Industry Association

Robert Gurss
Association of Public-Safety
Communications Officials-International, Inc.

Jim Hobson
National Emergency Number Association

National Association of State Nine-One-One
Administrators